



Town of Carlisle

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Office of
PLANNING BOARD

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**DECISION ON SPECIAL PERMIT
FOR A COMMON DRIVEWAY ON ACTON STREET
SERVING ASSESSORS MAP LOTS 17-18-16 AND 17-18-17**

**Applicants Alison V. Pascarelli & Elizabeth Hudson Valentine
Trustees of the 566 Acton Street Nominee Trust**



DATE OF DECISION: August 9, 2021

DATE OF FILING: 9/21, 2021

On January 11, 2021, Alison V. Pascarelli & Elizabeth Hudson Valentine, Trustees of the 566 Acton Street Nominee Trust (the "Trust"), submitted an application to the Town Clerk and the Planning Board for a special permit for a private driveway under Section 5.4.4 of the Carlisle Zoning Bylaw, shared by more than one lot, but not more than six lots, within which it is entirely contained. This private driveway shall be referred to as a "common" driveway hereafter for convenience. The permit would create a common driveway to serve two lots fronting on Acton Street. The driveway is on the southerly side of Acton Street approximately 650 feet east of the intersection of West and Acton Streets. The lots served are located on Assessor's Map 17, Parcels 18-16 and 18-17. These lots were created by an Approval Not Required (ANR) Plan endorsed by the Carlisle Planning Board on July 28, 2008, which is recorded at the Middlesex North Registry of Deeds in Plan Book 227, Plan 142, and are shown on that Plan as Lots 16 and 17.

The lots to be served by the proposed Common Driveway are shown as Lots 16 and 17 on the plan entitled "Common Driveway Special Permit Plan for Stillmeadow East in Carlisle, Massachusetts;" Applicant: Alison Pascarelli & Elizabeth Hudson Valentine, Trustees of the 566 Acton St Nominee Trust; Engineer/Surveyor: Stamski and McNary, Inc., Acton, MA, Sheets 1-4, dated January 11, 2021, and last revised July 7, 2021 (the "Plans").

Hearing

The public hearing for this application was advertised in the Carlisle *Mosquito* on January 22, 2021, and January 29, 2021, posted at Town Hall on January 25, 2021, and mailed to parties in interest on January 25, 2021.

The public hearing opened on February 8, 2021. All hearings were held virtually via electronic conferencing over the Internet. The hearing was continued to February 22, March 8, March 22, April 26, May 10, May 24, June 14, July 12, August 9 and

September 13, 2021. A vote to approve was held on August 9, 2021, and the hearing was closed on September 13, 2021. A site visit was held on March 24, 2021.

Present for testimony for this hearing were Board members Blake, Grady, Misek, Rolfe, Smith, Walsh and Yelle. Misek missed one hearing session, but duly certified that he had examined the official Minutes of that session and all corresponding documents. Grady and Yelle missed the August 9 hearing session at which the vote was taken, but duly certified that they had examined the official Minutes and all corresponding documents from that session. Trustees Pascarelli and Valentine (aka Lisa Bennett); the Trust's representative, Greg Peterson (attorney); representatives of the Trust's engineering firm, Stamski and McNary, Inc.; and the Board's consulting engineering firm, Nitsch Engineering, Inc. were also in attendance at the hearings.

Additional attendees for some of the hearing sessions included Fire Chief Sorrows; Deputy Fire Chief Svatek; The Trust's representatives Sandy Olney and Ruth Kennedy Suddeth from Landvest, Inc.; additional Valentine family member Anne Valentine; West Street residents Laura Lunig and John Chirban; Acton Street resident Bob Zielinski; Steve Tobin representing the Carlisle Trails Committee; David Freedman representing the Carlisle Conservation Foundation, Inc.; and representatives of the *Carlisle Mosquito*.

Description of the Proposed Project

The Stillmeadow Farm is a farm of approximately 157 acres, bisected by Acton and West Streets, in the southwest portion of Carlisle. The farm's fields and wooded land offer scenic vistas valued by residents and enjoyed by anyone passing through. Approximately 82% of the property is subject to a perpetual Conservation Restriction granted to the Carlisle Conservation Foundation, Inc. dated September 9, 2008, recorded at the Middlesex South Registry of Deeds in Book 52020, Page 1, and also recorded in the Middlesex North Registry of Deeds in Book 22622, page 245. The Trust seeks to develop the remaining developable land in a manner to maintain the vistas and operate consistent with the existing Conservation Restriction.

The Trust intends to develop a portion of the Stillmeadow Farm into house lots. This is expected to involve four separate applications, each involving a common driveway: Stillmeadow North, Stillmeadow Northeast, Stillmeadow East, and Stillmeadow South. This decision applies to the application entitled Stillmeadow Farm East.

The proposed common driveway will serve two lots, each of which has the minimum required frontage on Acton Street. The proposed driveway is 456 ft in length, ending in a T-turnaround enabling emergency vehicle access, and having one turnout at approximately 225 ft. The proposed driveway is a 12-ft. paved surface, and remains this paved width for the course of the proposed driveway. It is bordered by 2-ft. wide compacted gravel shoulders on either side having 3:1 side slopes. The maximum grade of the proposed driveway is 6.44% , with the slope intentionally transitioned before and after inflection points to ensure safe travel of emergency vehicles. Stillmeadow Farm East will have an infiltration basin and infiltration trench for stormwater management. This two-lot common driveway will not be named.

The Plans were submitted to the Board's engineering consultant, Nitsch Engineering, Inc., to the Fire Chief and to the Police Chief for review and comment. The Board's engineer made several recommendations for minor changes to the plan, in accordance with the Carlisle Planning Board Rules and Regulations Regarding Common Driveway Special Permits (the "Common Driveway Rules") and identified waivers that may be required. The drainage design and analysis for the driveways was coordinated and reviewed for all four common driveway applications. The Police Chief stated in an email of July 13, 2021, that he had no concerns with the sight lines for this proposed driveway in either direction on Acton St. The Fire Chief stated that he had no concerns, and was satisfied with the proposed Plans.

After discussions within the hearing with the Planning Board, its consulting engineers, and the Fire Department, and based on feedback from the Conservation Commission and its wetlands consultant, which was summarized within the Planning Board hearing, the Trust updated the Plans to reflect several changes. The changes included shifting of the proposed location of the common driveway to allow greater distance from the closest wetland flag, proposing a 10-in pipe to be installed under the driveway connection to Acton St to allow passage of stormwater along the shoulder of the street, and an additional test pit in the area of the Lot 17 infiltration basin to confirm sufficient depth to groundwater, and confirmation of soil type and percolation rates. These updates are reflected in the final Plans. The Fire Chief stated in a letter to the Board dated August 4, 2021, that he approves of the final Plans.

Public comment submitted at the hearing that was directly relevant to this common driveway was general in nature and favorable of the Plan.

A Declaration of Common Driveway Covenant for the Stillmeadow East common driveway was also submitted.

Findings

The Planning Board considered the application and found that the petition meets the requirements of Sec. 5.4.4. and Sec. 7.2.1 of the Carlisle Zoning Bylaws. Therefore, a motion was offered by Walsh, seconded by Smith, that the special permit for this common driveway be approved in accordance with the Plans, with the following specific **findings**:

The proposed driveway will serve the purposes and meet the requirements of Sec. 5.4.4 of the Carlisle Zoning Bylaws, in that:

1. The two (2) lots served by the proposed Common Driveway are provided with safe and convenient access so as to secure safety in case of fire, flood, panic, and other emergencies, and the Plans provide to the extent reasonably practicable for the preservation of the natural and built environment, including agricultural vistas and uses, and maintenance of the neighborhood character.

2. The design of the proposed Common Driveway, including a traveled way that is a minimum of 12 feet wide for its entire length, with 2 foot compacted, load-bearing shoulders on each side, will provide sufficient access for fire, police, ambulance/rescue and other emergency vehicles.
3. The intersection of the proposed Common Driveway with Acton Street has been designed with adequate turning radii, landing area, and sufficient sight distance for public safety.
4. The proposed Common Driveway shall be configured to prevent the flow of water and water-borne debris both onto the public way from the proposed driveway and onto the driveway from the public way.
5. The proposed Common Driveway shall be configured to prevent the flow of water and water-borne debris into wetland vegetation that borders alongside the driveway. Engineering calculations have determined that a small area east of the proposed common driveway will pond briefly in the event of a 100-year storm, this area being beneath the elevation of the proposed driveway and not planned for use, and the rapidly infiltrating soils will minimize the length of time of this occurrence.
6. Construction of the proposed Common Driveway will maintain, as much as practicable, the existing grades to minimize the amount of cut and fill. The Trust has provided cut and fill calculations showing an approximate balance between cut and fill (technically a modest net fill).
7. This common driveway will remain unnamed, as provided by the Board's Common Driveway Rules and Regulations for driveways serving two lots.
8. The Board finds that the location of this proposed common driveway is consistent with the 2008 Conservation Restriction granted to Carlisle Conservation Foundation by John H. and Elizabeth H. Valentine (North Middlesex Registry of Deeds Book 22622 Pg. 245).

The motion also included granting of the following **waiver** from the Common Driveway Rules:

The Stillmeadow East Common Driveway will utilize a T-turnaround rather than a cul-de sac at its terminus, as required by Sec. XII.A.4 of the Common Driveway Rules, because the Board finds that the use of a T-turnarounds requires less pavement, and its design is consistent with those that have been utilized for other Common Driveways approved by the Board. The Fire Department concurs with the design of the T-turnaround.

The motion was unanimously **approved** and the special permit is GRANTED subject to **the following conditions**, which shall be binding upon the Trust and all successors and assigns to Lots 16 and 17 as shown on the Plans (hereinafter “the Applicant”):

1. The common driveway shall be constructed in accordance with the plan entitled “Common Driveway Special Permit Plan for Stillmeadow East in Carlisle, Massachusetts;” Applicant: Alison Pascarelli & Elizabeth Hudson Valentine, Trustees of the 566 Acton St Nominee Trust; Engineer/Surveyor: Stamski and McNary, Inc., Acton, MA, Sheets 1-4, dated January 11, 2021 , and last revised July 7, 2021, (the “Plans”) which shall be recorded along with this Decision.
2. As a condition of this Decision, the Plans shall be accompanied of record by a “Declaration of Common Driveway Covenant, Stillmeadow Farm East” in substantially the form submitted to the Planning Board, revised July 7, 2021 (the “Stillmeadow East Common Driveway Covenant”); and a Declaration of Fields Maintenance Covenant which Covenants and Easement have been reviewed and approved by the Planning Board, all of which shall be subject to the requirements as set forth below:

The Applicant shall enter into and record a “Declaration of Fields Maintenance Covenant,” with the Carlisle Conservation Foundation (CCF) in substantially the form submitted to the Planning Board (the “Fields Covenant”) and said Fields Covenant shall be recorded at the North Middlesex Registry of Deeds. The Fields Covenant shall ensure that homeowners whose property contains a portion of open field maintain those fields in their open state. The Applicant shall record said covenant with the Middlesex North Registry of Deeds no later than sixty (60) days after the expiration of the applicable appeal period for this permit, or within sixty (60) days of the final resolution of any appeal, whichever is later.

Any amendments to the Stillmeadow East Common Driveway Covenant shall be reviewed and approved by said Board and shall be in accordance with the Common Driveway Rules and Regulations, if applicable. Any amendment to the Stillmeadow East Common Driveway Covenant shall be recorded in the Middlesex North Registry of Deeds.

3. The Applicant and its successors and assigns shall arrange for management and maintenance of the common driveway, drainage system and features in accordance with the “Stormwater Operation and Maintenance Manual” For Stillmeadow dated December 4, 2020 (Revised June 30, 2021) on file with the Planning Board. Any amendment of the Stormwater Operation and Maintenance Manual shall require the review and approval of the Planning Board.
4. The Plans create a Common Driveway, to remain unnamed, and such Common Driveway shall be used to access no more than two (2) lots and no more than two

(2) single-family homes in the aggregate, along with any uses and structures legally accessory thereto. The lots that may access the Common Driveway are Lots 16 and 17 as shown on an Approval Not Required subdivision plan dated June 10, 2008, and endorsed by the Planning Board on July 28, 2008 (the “ANR Plan”).

5. Lots 16 and 17 to be accessed from this Common Driveway shall not be accessed by any means other than this Common Driveway. There shall be no additional curb cuts, driveways, or other methods of access created for any such lot.
6. A permanent sign identifying the drive as a Private Way and noting the street addresses of both residences shall be placed at the intersection of the Common Driveway and Acton Street. All lots accessed from the Common Driveway shall be assigned addresses.
7. All driveway materials and their installation shall be inspected by the Board’s project review engineer. A duly authorized agent of the Town of Carlisle shall have the right to enter upon each and any of the lots served by the Common Driveway to ensure continued compliance with the terms and conditions of this Special Permit.
8. The Common Driveway shall be constructed with two (2) foot gravel shoulders on each side as shown on the Plans. These shoulders shall be constructed to roadway standards to assure load-bearing capability for fire equipment and shall be kept clear of all obstructions for public safety purposes, except for mailboxes and related supporting posts, the location of which shall be consistent with the requirements of the U.S. Postal Service.
9. If ledge is found, before conducting any blasting or other removal of the ledge the Applicant shall present a plan of action to the Planning Board that provides an estimate of the quantity of rock removal, how rock will be removed, and, where applicable, noise mitigation measures sufficient to ensure compliance with the Carlisle Planning Board’s Policy for Noise Control adopted 11/21/11 and revised 9/10/18 and an abutter notification plan.
10. Where construction of the infrastructure requires blasting, the Applicant shall comply with all state and local fire department regulations, including without limitation the use of blasting mats, pre-blast surveys of all structures within 250 feet, and post-blast inspections as requested by abutters to determine and correct any damage incurred. No perchlorate shall be used in the blasting process.
11. The T-turnaround must be kept clear to allow for use by emergency and fire vehicles. No obstacles of any kind may be placed within six feet of the ends of the T-turnaround to allow for snow storage and maintenance. A sign shall be placed at the T-turnaround to enforce this requirement, and the sign shall state that the turnaround must be kept clear at all times for emergency access. This sign and its location(s) shall be shown on the Plan.

12. Reference is made to the Conservation Restriction between the Applicant and the CCF, as described above. The boundaries of the Conservation Restriction and the landscaped areas shall be marked, and the final Plans shall show the location of the boundary markers. All boundary markers adjacent landscaped areas shall be made of stone.
13. At least four (4) weeks prior to the construction of or any related site clearing in connection with the construction of the Common Driveway and/or utilities, drainage facilities or other infrastructure set forth on the Plans (collectively, "Infrastructure"), the Applicant shall submit a complete Construction Management Plan to the Planning Board in accordance with Sec. XIII.A of the Common Driveway Rules for its review and approval.
14. Per Sec. X111.B.1 of the Board's Common Driveway Rules, a pre-construction conference with town departments shall be held prior to the commencement of construction. The contractor shall request that the Board schedule such a conference at least 2 weeks prior to commencing construction.
15. At least two (2) weeks prior to the construction of or any related site clearing in connection with the construction of any Infrastructure, the Applicant shall provide the NPDES permit and Stormwater Pollution Prevention Plan to the Conservation Commission and the Planning Board for their review.
16. Prior to the construction of or any related site clearing in connection with the construction of any Infrastructure, the Applicant shall mark the limits of the area(s) to be disturbed and mark any trees within 10 ft of the limits of work.
17. All utility service shall be installed and maintained underground, except for standard appurtenant above-ground components, including those allowed by FCC regulations.
18. No building permit shall be issued for construction on any Lot until the Applicant shall have recorded a certified copy of this decision with the Middlesex North Registry of Deeds. Copies of the recorded decision and deeds shall be filed with the Planning Board, the Building Commissioner and the Town Clerk.
19. No wood deliveries or framing shall commence on any lot until the portion of Common Driveway providing access to that lot has been completed to the binding course of pavement and all drainage facilities, exclusive of final grading, loaming, seeding and landscape plantings, have been constructed in accordance with the approved Plans and the Planning Board's requirements, as certified by a statement from the design engineer, and reviewed and approved by the Board's consulting engineer, and filed with the Planning Board, the Building Commissioner, and the Town Clerk.

20. No more than one (1) of the two (2) new lots served by the common driveway as shown on the Plans, for which applications for Certificates of Occupancy from the Carlisle Building Commissioner have been submitted, shall be occupied until there shall have been filed with the Planning Board, the Building Commissioner and the Town Clerk, a statement by the design engineer, reviewed and approved by the Board's consulting engineer, certifying to the satisfaction of said design engineer that the finished grades and final construction details of the Common Driveway have been constructed in accordance with the Plans and with standard engineering practices, and that the drainage system and other Infrastructure has been constructed and is fully functional.
21. At the completion of all work under the Special Permit, the Applicant shall submit to the Planning Board an As-Built Plan in accordance with the Common Driveway demonstrating compliance with the approved Special Permit.
22. The special permit will lapse if substantial use of the permit has not commenced within two (2) years from the expiration of the appeal period, except for good cause.

Further provisions:

This decision does not exempt the Applicant from the necessity of complying with all other applicable federal, state and local statutes, bylaws and regulations.

The Town Clerk has on file a copy of the application, plan and decision. Any appeal of this decision shall be made according to M.G.L. Ch. 40-A, Sec. 17. A copy of such appeal must be filed with the Town Clerk within twenty (20) days after the filing of this decision in her office.

Planning Board vote:

Blake	approve
Yelle	absent
Rolfe	approve
Misek	approve
Walsh	approve
Grady	absent
Smith	approve



On behalf of the Carlisle Planning Board:

Peter Yelle

Peter Yelle
Planning Board Co-Chair